predicted second path of execution; determining whether the first path falls within the predicted second path; and prefetching instructions and data when the first path falls within the predicted second path. --

In the claims:

Please cancel claims 2 and 13 and amend claims 1, 5, 7, 12, 21, and 22 as follows:

1. (Once amended) In a system including a high speed buffer logically placed between memory and at least one processor unit, a method for executing an instruction stream stored in the memory, wherein the instruction stream comprises a sequence of instructions including at least one prefetch instruction that prefetches information from the memory into the high speed buffer, the method comprising the steps of:

deriving first path data from a compiler by analyzing control flow information during compilation, wherein the first path data represents a first path from the prefetch instruction to an instruction that uses information prefetched by the prefetch instruction;

obtaining a branch history defining a path from information generated by branches encountered prior to a subsequent encounter of the prefetch instruction;

generating second path data, wherein the second path data represents a predicted second path of execution;

determining whether the first path is consistent with the predicted second path; and

prefetching instructions and data when the first path is consistent with the predicted second path.

2. (Cancelled) The method of claim 1, wherein the first path data is derived from a compiler performing static compilation.

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3. The method of claim 1, wherein the second path data is derived from information characterizing dynamic execution of the sequence of instructions by the at least one processor unit.

4. The method of claim 1, wherein the prefetch instruction is added to the instruction stream for
execution by the at least one processor unit upon determining that the first path falls within the predicted second path.

5. (Amended) The method of claim 1, further comprising the step of:
upon determining that the first path does not fall within the predicted second path, omitting the prefetch instruction from the instruction stream executed by the at least one processor unit.

6. The method of claim 1, wherein the second path data are associated with one or more branch instructions, and wherein the second path data comprises a mask that represents a predicted path of execution that follows the associated branch instructions.

7. (Amended) The method of claim 6, wherein the first path data comprises a mask that represents a path of execution from the prefetch instruction to the instruction that uses the information prefetched by the prefetch instruction.

8. The method of claim 7, wherein the second path data are based upon accumulation of predictions associated with branch instructions.

9. The method of claim 8 wherein the second path data is derived from predictions based upon previous execution of the instruction stream.

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10. The method of claim 1, wherein the prefetch instruction includes a field that identifies an instruction to prefetch from memory into the high speed buffer.

11. The method of claim 1, wherein the prefetch instruction includes a field that identifies data to prefetch from memory into the high speed buffer, wherein the data is operated on by at least one instruction in the instruction stream.

12. (Amended) In a system including a memory storing an instruction stream comprising a sequence of instructions including at least one prefetch instruction, a processor unit for executing the sequence of instructions, and a high speed buffer logically placed between the memory and the at least one processor unit, an apparatus for conditionally executing the prefetch instruction, comprising:

decode logic for deriving first path data from a compiler performing static compilation, wherein the first path data represents a first path from the prefetch instruction to an instruction that uses information prefetched by the prefetch instruction;

logic for obtaining a branch history defining a path from information generated by branches encountered prior to a subsequent encounter of the prefetch instruction;

path prediction logic for generating second path data, wherein the second path data represents a predicted second path of execution;

compare logic for determining whether the first path is consistent with the predicted second path; and

execution logic for conditionally prefetching instructions and data when the first path is consistent with the predicted second path.

13. (Cancelled) The apparatus of claim 12, wherein the first path data is derived from a compiler performing static compilation.

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14. The apparatus of claim 12, wherein the second path data is derived from information characterizing dynamic execution of the sequence of instructions by the at least one processor unit.

15. The apparatus of claim 12, wherein the execution logic executes the prefetch instruction upon determining that the first path falls within the predicted second path.

16. The apparatus of claim 12, wherein the execution logic omits execution of the prefetch instruction upon determining that the first paths does not fall within the predicted second path.

17. The apparatus of claim 12, wherein the second path data are associated with one or more branch instructions, and wherein the second path data comprises a mask that represents a predicted path of execution that follows the associated branch instructions.

18. The apparatus of claim 17, wherein the first path data comprises a mask that represents path of execution from the prefetch instruction to the instruction that uses the information prefetched by the prefetch instruction.

19. The apparatus of claim 18, further comprising branch prediction logic for generating predictions associated with branch instructions, and a branch history queue for accumulating the predictions generated by the branch prediction logic, wherein the second path data generated by the path prediction logic is based upon the predictions accumulated in the branch history queue.

20. The apparatus of claim 19, wherein the predictions are based upon previous execution of the instruction stream.

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